regard for them, closing by introducing his successor, Hon. Geo. T. Jester, Lieutenant Governor.

Lieutenant Governor Jester then declared the Senae adjourned till 10 o'clock a. m. tomorrow.

EIGHTH DAY.

Senate Chamber,
Austin, Tex., Jan. 16, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Agnew, Atlee, Bailey, Beall, Boren, Bowser, Colquitt, Crowley, Darwin, Dean, Dibrell, Dickson, Gage, Goss, Greer, Harrison, Lawhon, Lewis, Mcney, Presler, Rogers, Sherill, Simpson, Smith, Steele, Whitaker, Woods.

Absent—Senators McComb and Tips.

Excused—Senator Shelburne.

Prayer by the Chaplain, Rev. Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Greer, the same was suspended.

COMMITTEE REPORTS.

Committee Room,
Austin, Tex., Jan. 1895.

Hon. George T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 23, entitled "An act to repeal chapter 15, of the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, and to revise article 2309 of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying committee substitute be adopted in lieu of said Senate bill No. 23, and said substitute do pass.

SMITH, Chairman.

Committee substitute to Senate bill No. 23.

A bill to be entitled "An act to amend section 1, chapter 15, of the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, and to fix the time and place of making sales of real estate under execution order of sale, or venditioni exponas, and to prescribe the mode and manner of advertising such sales.

Section 1. Be it enacted by the Legislature of the State of Texas, That section 1, chapter 15,of the general laws of the State of Texas, passed at the regular session of the Twenty-third Legislature, be and the same is hereby amended, so that the same shall hereafter read as follows:

That article 2309 of the Revised Statutes of the State of Texas shall hereafter read as follows:

Article 2309. The time and place of making sale of real estate in execution shall be publicly advertised by the officer for at least twenty days successively next before the day of sale, by posting up written or printed notices thereof at three public places in the county, one of which shall be at the door of the courthouse of the county; provided that whenever real property shall be levied on by virtue of any execution, or shall be subject of any order of sale or venditioni exponas, if the defendant shall within five days after the levy of the execution or the issuance of the order of sale, or vinditioni exponas, file with the officer making the levy or having the process a written request that notice of sale be published in a newspaper the same shall be so published, if there be a newspaper published in the county that will publish the same for the compensation allowed herein, When said request is filed the officer shall under the provisions of this act, publish notice of the sale in a newspaper published in the county for three consecutive weeks. Said notice shall contain a statement of the authority by virtue of which the sale is to be made, the time of levy and the time and place of sale; it shall also contain a brief description of the property shall be sold, and shall give the number of acres, original survey, locality in the county, and the name by which the land is most generally known, but it shall not be necessary for it to contain field notes.

Publishers of newspapers shall receive for publishing said sales seventy-five cents per square for the first insertion and fifty cents per square for subsequent insertions, to be taxed and paid as other costs; in such publications ten lines shall constitute a square, and the body of no such advertisements shall be printed in larger type than brevier.

Committee Room,
Austin, Texas, Jan. 15, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 31, entitled "An act to amend article 3201, title 62, chapter 1, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. 20.

SMITH, Chairman.

Committee Room,
Austin, Texas, Jan. 15, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 22, entitled "An act to amend article 3222, title 62, chapter 3, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back

o the Senate with the recommendation hat it do pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, Jan. 15, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 25, entitled "An act to amend article 4684, title 95, chapter 2, of the Revised Civil Statutes of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

SMITH, Chairman.

Committee Room,
Austin, Texas, Jan. 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 26, being "An act to regulate the issuance of executions upon judgments of courts of record and to prevent such judgments from becoming dormant,"

And find the same correctly engrossed.

BAILEY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Greer:

A bill to be entitled "An act to amend article 1211 of title 29, chapter 5, of the Revised Civil Statutes."

Read first time and referred to Judiciary Committee No. 1.

By Senator Lawhon:

"An act to amend article 3183, chapter 4, title 61, of the Revised Civil Statutes."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bailey:

A bill to be entitled "An act to amend article 441 of chapter 6, of the Revised Statutes of Texas, providing for a Board of Appraisement to be appointed by the city council of cities and towns in the matter of assessment of taxes, and providing a substitute for said article, with provision for appeals from the action of said Board."

Read first time and referred to Committee on Towns and Corporations.

By Senator Bailey:

A bill to be entitled "An act to amend chapter 47 of the acts of the Legislature of the State of Texas of 1879, relating to and defining the duties of commissioners courts, when sitting as a board of equalization, and providing for appeals therefrom, by adding thereto sections 8, 9 and 10."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dibrell:

A bill to be entitled "An act to amend article 191 of chapter 2, title 10, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Agnew:

A bill to be entitled "An act to give jurisdiction to the several Courts of Civil Appeals over cases transferred from one of such courts to another under the direction of the Supreme Court, and providing for the transfer of such cases."

Read first time and referred to Judiciary Committee No. 1.

By Senator Presler:

A bill to be entitled "An act to amend article 4333 of the Revised Civil Statutes of the State of Texas, amended March 30, 1881, amended April 1, 1887, and to validate the registration of deeds, conveyances, mortgages, deeds of trust, or the written instruments, relating to real estate situated in any unorganized county, and recorded prior to March 30, 1881, and recorded in the county to which said unorganized county is attached for judicial purposes at the time of such registration."

Read first time and referred to Judiciary Committee No. 1.

By Senator Dibrell:

A bill to be entitled "An act to amend articles 798 and 799 of chapter 18, title 17, of the Penal Code of the State of Texas."

Read first time and referred to Judiciary Committee No. 2.

By Senator Gage:

A bill to be entitled "An act to encourage irrigation and to provide for the acquisition of the right to use water, and for the construction and maintenance of canals, ditches, flumes, reservoirs and wells for irrigation and for mining, milling and stock raising."

Read first time and referred to Committee on Irrigation.

By Senator Gage:

A bill to be entitled "An act to amend article 4561, chapter 1, title 93, of the Revised Civil Statutes of the State of Texas."

Read first time and referred to Judiciary Committee No. 1.

By Senator Boren:

Whereas, There exists at this time a large deficiency in the general revenue of this State, caused by the failure of collectors to collect occupation, ad valorem and poll taxes, to the amount of one million five hundred thousand dollars, for the reason that they are powerless to enforce the collection of same, under present laws; and

Whereas, There seems to be an imperative demand that the rate of taxation be raised by the present Legislature to meet said deficiency and to defray the expenses of the various State departments and institutions for the next two years, to the end that the credit of the Stat may be maintained and her public officers and employes be promptly paid for their services without delay or discount; and

Whereas, The present depression in trade and stringency in money matters

throughout the State, at this time, forbids any burdens being placed on the people, in the way of taxes, not absolutely necessary to defray the expenses of our State government economically administered; and

Whereas, The present administration was intrusted with power and the present Legislature elected by the people of this great State on the solemn promise of economy, retrenchment and reform; and

Whereas, All administrations and parties should keep inviolate their solemn promises made to the people, having an eye always to the decalogue, which pronounces that divine injunction, "Thou shalt not lie;" and

Whereas, It is claimed and charged by many that extravagance and useless expenditures have been indulged in in many of the departments of State and her institutions for years past, as well as unnecessary and useless offices and officers created; and

Whereas, It is the bounden duty of Legislatures to protect the people from all extravagance or useless expenditures wherever to be found in the State government, by adequate laws, abolishing departments or offices ascertained to be unnecessary to the efficient administration of State affairs, and to reduce salaries and fees of office of all officers and employes whose salaries or fees are found to be greater than that paid other persons of equal capacity and ability in other avocations of life; and

Whereas, The present Legislature would be unfaithful to their trusts and would merit the condemnation of their constituents should they fail or refuse to make a thorough investigation of all the matters in this resolution contained, and then act, as conditions demand, with justice to the people and all concerned; therefore

Section 1. Be it resolved by the Senate, the House of Representatives concurring therein, That a committee of five members of the Senate be appointed by the President of the Senate and that the Speaker of the House of Representatives appoint a like number of members of the House as a committee. Said committee to act together and whose duty it shall be to thoroughly investigate the financial condition of the State government and to report back to their respective bodies the result of their investigations, together with such recommendations as to legislation thereon as they may deem proper. Said committee to continue its labors during the present legislative session, and to report from time to time as they may see proper, and said committee to be subject to the call of the chairman, selected by the joint committees.

Read first time and, on motion of Senator Steele, referred to Committee on State Affairs.

By Senator Simpson:

Whereas, There appears to be neither Constitutional authority nor warrant of law for the appointment of Chaplain of the Senate; and

Whereas, The further continuance thereof incurs an expense that should not be indulged in, while a deficiency exists in the State Treasury, and the people are crying out for retrenchment and reform; therefore be it

Resolved, That from and after this date the said office of Chaplain be and the same is hereby abolished.

Senator Sherrill made the point of order that the Senate, by resolution adopted, had already elected a Chaplain, and that unless a motion be made to reconsider, and the same prevailed, the resolution in question was out of order.

Sustained.

By Senator Goss:

Resolved, That each Senator shall be allowed to subscribe for not exceeding four copies of any paper publishing the daily proceedings of the Senate, at not exceeding three cents per copyy, to be paid for out of the contingent fund.

Senator Boren moved to refer the resolution to Committee on Public Printing.

Lost.

Senator Lewis moved to postpone indefinitely.

Lost by the following vote:

Yeas—9.

Beall.	Gage.
Boren.	Harrison
Colquitt	Lewis.
Darwin.	Woods
Dickson.	

Nays—18.

Agnew.	Lawhon.
Atlee.	McKinney.
Bailey.	Presler.
Bowser.	Rogers.
Crowley.	Sherrill.
Dean.	Simpson.
Dibrell.	Smith.
Goss.	Steele.
Greer.	Whitaker

By Senator Bowser:

Amend by striking out "four" and inserting "ten."

Lost by the following vote:

Yeas—7.

Bailey.	Greer,
Bowser.	Presler.
Crowley.	Whitaker.
Dibrell.	

Nays—20.

Agnew.	Harrison.
Atlee.	Lawhon.
Beall.	Lewis
Boren.	McKinney
Colquitt.	Rogers,
Darwin	Sherrill,
Dean.	Simpson.
Dickson.	Smith
Gage.	Steele
Goss.	Woods.

By Senator Lewis: Amend by striking out "four" and inserting "three."

Senator Smith moved the previous question on the resolution and pending amendment, which was seconded, and prevailed by the following vote:

Yeas—20.

Agnew.	Lawhon.
Atlee.	McKinney.
Beall.	Rogers.
Boren.	Sherrill.
Darwin.	Simpson.
Dibrell.	Smith.
Dickson.	Steele.
Gage.	Whitaker.
Goss.	Woods.
Harrison.	

Nays—8.

Bailey.	Dean.
Bowser.	Greer.
Colquitt.	Lewis.
Crowley.	Presler.

The amendment was lost by the following vote:

Yeas—10.

Dean.	Lewis.
Boren.	McKinney.
Colquitt.	Rogers.
Dickson.	Sherrill,
Gage,	Woods.

Nays—17.

Agnew.	Greer.
Atlee.	Harrison.
Bailey.	Lawhon.
Bowser.	Presler.
Crowley.	Simpson.
Darwin.	Smith.
Dean.	Steele.
Dibrell.	Whitaker.
Goss.	

The resolution was then adopted by the following vote:

Yeas—16.

Agnew.	Greer,
Atlee.	Lawhon.
Bailey.	McKinney.
Bowser,	Presler,
Crowley,	Simpson,
Dean,	Smith,
Dibrell,	Steele,
Goss,	Whitaker.

Nays—11.

Beall.	Harrison.
Boren.	Lewis.
Colquitt.	Rogers.
Darwin,	Sherrill.
Dickson.	Woods.
Gage.	

Senator Steele moved to reconsider the vote by which the resolution passed, and to lay that motion on the table.

Tabled.

By Senator Dibrell:

Whereas, It is the desire of each Senator to vote intelligently on all measures that may come before the Senate; therefore, be it

Resolved, That every bill and joint resolution to amend the Constitution, introduced in the Senate be and the same are hereby ordered to be printed in the Journal of the Senate in the order of their introduction.

Lost.

By Senator Boren:

"Joint Resolution to amend section 2, article 6, of the Constitution of the State of Texas, requiring all voters between the ages of twenty-one and sixty years to present their poll tax receipt from the tax collector of the county in which they propose to vote, for the two preceding years, at the time of offering their election ticket; or the certificate under the hand and seal of the tax collector, showing that they are not charged on the roll of his county with any poll tax."

Read first time and referred to Committee on Constitutional Amendments.

Call concluded.

UNFINISHED BUSINESS.

The Chair laid before the Senate,

Senate bill No. 26, entitled "An act to regulate the issuance of executions upon judgments of courts of record, and to prevent such judgments from becoming dormant,"

Action being on Senator Dean's motion to postpone and that 50 copies of the bill be printed.

Senator Dean withdrew his motion.

Bill read third time and passed.

BILLS ON SECOND READING.

The Chair laid before the Senate,

Senate bill No. 9, entitled "An act to make it a penal offense for any person in the State to unlawfully scatter or so place on land not his own, the seed or roots of Johnson grass, or the seed or roots of any other vegetation which will make such land unsuitable for the cultivation of cotton, or of corn, or any other grain, or which will make the cultivation of such land in such crops more difficult, or which will impair or diminish the value of such land for the cultivation of such crops as are usually grown thereon; to prescribe he punishment therefor, and to prescribe the proceedings in prosecutions in such cases,"

The question being on engrossment,

Senator Simpson moved to postpone consideration, and that 50 copies of same be printed.

Carried by the following vote:

Yeas—12.

Colquitt,	McKinney.
Dickson,	Presler,
Gage.	Simpson.
Harrison,	Steele.
Lawhon.	Whitaker,
Lewis,	Woods.

Nays—10.

Agnew,	Dibrell,
Atlee,	Goss.
Beall,	Rogers.
Boren.	Smith.
Crowley.	

The following message from the Governor was received and read:

Executive Office,
Austin, Texas, January 16, 1895.

To the Senate:

The advice and consent of the Senate is respectfully asked to the following appointments:

Secretary of State, Allison Mayfield of Grayson county.

Assistant Attorney General, Mann Trice of Dallas county.

Commissioner of Agriculture, Insurance, Statistics and History, A. J. Rose of Bell county.

State Health Officer, Dr. R. M. Swearingen of Travis county.

Adjutant General, W. H. Mabry of Marion county.

Superintendent of Penitentiaries, L. A. Whatley of Cass county.

Assistant Superintendent of Penitentiaries at Huntsville, J. G. Smither of Walker county.

Assistant Superintendent of Penitentiaries at Rusk, J. P. Gibson of Cherokee county.

Financial Agent of Penitentiaries, Joseph S. Rice of Tyler county.

Inspectors of Penitentiaries, Wharton Bates of Brazoria county and T. E. Durham of Gregg county.

C. A. CULBERSON, Governor.

On motion of Senator Smith, 11:30 a. m., tomorrow was fixed as the time for the Senate to go into executive session on the above appointments.

Senator Agnew offered the following:

Resolved, That all bills reported favorably by any committee to which they were referred, before being acted upon, must be printed for the use of the members of the Senate, unless otherwise ordered by the committee.

Adopted.

Senator Lewis moved to reconsider the vote by which Senate bill No. 26 was passed, the bill having passed by a viva voce vote, and having an emergency clause, required to be passed by a yea and nay vote.

Reconsidered, and the bill passed by the following vote:

Yeas—19.

Agnew,	Lawhon,
Atlee,	Lewis.
Beall,	Presler.
Boren.	Rogers,
Colquitt.	Sherrill.
Dibrell.	Simpson.
Dickson.	Steele.
Gage.	Whitaker.
Goss,	Woods.
Greer.	

Nays—3.

Darwin.	Smith,
Harrison.	

On motion of Senator Greer, the Senate adjourned to 3 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Lieutenant Governor Geo. T. Jester in the Chair.

Roll called.

Quorum present, the following Senators answering to their names:

Agnew, Atlee, Bailey, Beall, Boren, Bowser, Colquitt, Crowley, Darwin, Dean, Dibrell, Dickson, Gage, Goss, Greer, Harrison, Lawhon, Lewis, McKinney, Presler, Rogers, Sherrill, Simpson, Smith, Steele, Whitaker, Woods.

Excused—Senator Shelburne.

Absent—Senators McComb and Tips.

The Chair stated that if there was no objection the names of Senators Agnew and Dibrell would be added to Judiciary Committee No. 1, and there being no objection, it was so ordered.

On motion of Senator Rogers, Senator Greer was added to the Committee of Education.

The Chair added the name of Senator Bowser to same committee.

A message from the Governor was announced, and pending the reading of same,

Senator Whitaker moved to suspend further reading, and that the message be printed in the Journal.

Lost, and the message was ordered read.

MESSAGE FROM THE GOVERNOR.

Executive Office,
Austin, January 16, 1895.

To the Senate and House of Representatives:

The Legislature and Executive Departments of the State Government, as now constituted, are solemnly pledged by public declaration to the inauguration of certain measures of legislation and administration. Confident of this patriotic purpose of the Legislature to discharge this obligation and tendering earnest co-operation in that endeavor, attention is invited to the more important of these questions

PUBLIC LANDS.

By the General Law of January 30th, 1854, the State adopted the policy of encouraging the construction of railroads by donating 16 sections of land for each mile of completed road. Many special or private acts pertaining to particularly designated companies were subsequently passed having the same purpose in view. This general course was arrested by the Constitution of 1869, but the inhibition was removed by an amendment to the Constitution adopted March 19th, 1873, and the original policy of donations was resumed by the passage of the act of August 16th, 1878. This and all such laws which may then have been in force were repealed by the act of April 22nd, 1882, and since then land grants to corporations have been discontinued. While these laws were in operation there was granted to railway companies 38,826,380 acres of land, the great part of which was rich and valuable, comprising 22 per cent of the total acreage of the State. Despite this generosity of the government, many of the companies wrongfully appropriated large quantities of land, the aggregate probably reaching ten million acres. These illegal appropriations were usually made on account of sidings and turnouts or where, under the terms of the law or because of forfeiture of the grants, the companies were not entitled to land for their roads or at least for branches thereof. In all cases certificates were issued to the companies by the General

Land Office and apparently were regularly located. The land was generally platted on the official maps as belonging to the companies, and in most cases patents were duly issued. On the face of muniments of title issued by officers of the State in apparent regularity the railway companies then appeared to be the owners of the land and the great bulk of it has been sold to persons who have paid value for it. The land is situated broadcast throughout the State, there being scarcely a county in which some of it may not be found. Much of it has been in the possession of the original purchasers or their vendees for twenty years and upon which they have put permanent and valuable improvements. The authority under which public officers may lawfully bind and conclude the State is the law. Rightfully and necessarily every act of such officials in excess of their authority thus defined is utterly void, for in this principle rests the chief security of the people against official incapacity and corruption As applied to acts of officials beyond the scope of their authority there is no such thing as a bona fide purchaser for value and without notice as these terms are technically employed, and consequently all the land thus appropriated, into whosesoever hands it may have passed or by the act of whatsoever official this may have been accomplished, may in strictness be reclaimed. While there can be no doubt of the soundness of this rule and the wisdom of its general observance, considerations already adverted to no less than a wise public policy render it just and equitable that the title of actual settlers on the land and that of other purchasers in good faith and for value from the railroad companies or their assignees be quieted and validated. The apparent title to much of the land however, is yet in the companies. In a great many instances corporate mortgages were taken that by their terms covered after acquired land of the companies, which evidently formed no part of the consideration, and in other cases the mortgages were executed prior to the issuance of patents, and while the certificates were the only evidences of title. These certificates uniformly exhibited on their face the illegality of the grants. Indentures such as these have been foreclosed and title to land placed in mortgagees or trustees. Every act of the legislature which authorized a donation of land to corporations required its alienation in good faith within stated periods of time in default of which the land became forfeited to the state. These provisions were wisely intended to prevent and discourage perpetuities and land monopolies and should be effectually executed. In unmistakable evasion of the law railroad companies have frequently transferred the land colorably only, sometimes directly to individuals, sometimes through simulated foreclosure proceedings and sometimes through formation of new corporations by stockholders, bondholders or directors of the old companies, in efforts to avoid forfeiture. By this means the policy of enforced alienation is thwarted and the land held in practical perpetuity for speculative purposes in obvious disregard of the growth and development of the State. Manifestly neither of these three classes of holders have either legal or equitable right, or claim sounding in public policy or which appeals to the conscience of the people. During the past eight years suits have been instituted in the name of the State against other than actual settlers and bona fide purchasers for value to recover portions of this land and some of them are yet pending in the courts of the State and the United States. These proceedings have exacted great labor of officials, considerable expense has been incurred and all trials have resulted favorably to the State. Although apprehension of danger and injury to titles sought to be aroused against the recovery of this land has been allayed, sound judgment dictates the immediate passage of a statute validating the title of actual settlers and purchasers in good faith for value, but the right of the State to reclaim land wrongfully appropriated should be carefully reserved in the four cases named, towit: (1.) Where the apparent title is yet in the companies; (2.) Where the land has been transferred through foreclosure proceedings against the companies; (3.) Where it has been transferred in evasion of the laws of alienation; and (4.) Where suits have already been instituted for its reclamation. Within the lines indicated the policy of recovering public lands wrongfully appropriated should be vigorously pursued.

CONSPIRACIES AGAINST TRADE.

Prior to the political revolution of 1860 the wealth of the United States was distributed among the inhabitants in some just proportion to the capacity of man to acquire it unaided by legislation. The government and rarely interfered with private affairs and the people were left to their own exertions in the acquisition of property. As a consequence there were few colossal fortunes and the peril of accumulated and organized riches was not imminent. Since then it has become common for the government to aid certain classes of industries by bounties, protection and other species of unequal laws and under this impetus individual fortunes have grown to such gigantic proportions that conservative and thoughtful men are appalled at the enlarging power of concentrated capital. Though the youngest nation with which comparisons may be made our private accumulations are far greater than any, and the disparity in wealth among our people as well as the tendencies to concentration are rapidly increasing. To this harmful and indefensible legislation there have been added in recent years the oppressive and audacious operations of trusts and conspiracies against trade and between them the exactions imposed upon the great masses of the people, enriching a few and tending to unjust division of

wealth, have grown intolerable. These trusts are the crowning monopolies of modern times, the highest form of those economic conspiracies denounced by the common law of our ancestors and our present constitution as contrary to the genius of a free government. They are the damaging instruments and forces reaching for a merciless centralism in commerce corresponding with those dangerous political movements which would change our form of government into a consolidated despotism. Their growth and power are alarming and presages monopoly and control of every field of labor and production. Already trusts have been formed and are operating to fix and maintain the price of coal oil, insurance, sugar, matches, cotton seed, cotton seed oil, gas, cattle, alcohol, school books, drugs, tobacco and ciparettes, coal, food and clothing, and many other necessaries and commodities. Their trade impositions and extortions are not the only evils; their open and undisguised corrupt political practices have justly aroused popular indignation. Their operations are based upon belief in universal depravity and they would corruptly approach the seat of any authority. So dangerous to the public welfare have these conspiracies become that congress has enacted effective laws for their supression and the Legislature of this State sought to accomplish the same purpose by the act approved March 30, 1885. But this law is entirely inadequate and unsatisfactory. It does not embrace all combinations which should be defined and prohibited, notably those of insurance companies as interpreted by the Supreme Court in Queen Insurance Company vs. The State, 86 Texas, 270. The penal provisions are not sufficiently direct and strong. The law has been held to be unconstitutional and void by one of the DistrictJudges because of the provision in Section 13 that it shall not apply to agricultural products or live stock while in the hands of the producer or raiser, and, though leaving it undecided, our highest court declared the question thus presented a grave one. These defects seriously embarrass executive officers in the performance of duties relating to these matters, and under the circumstances it is obligatory upon the Legislature to enact a statute defining and prohibiting all combinations in trade or business that are hurtful, monopolistic and injurious to the public, the validity and efficiency of which both as to individuals and corporations may not be contested. If this course be pursued effective remedies for unquestioned evils may be anticipated, notwithstanding hindrances in high places elsewhere. That in the passage of such a law difficulties will be met is not doubted. Opposition to any and every character of anti-trust law will not be wanting. The convenient scarecrow that capital will be deterred from entering the State will be held up. Open and blunt defenders and apologists of trusts will appear. Less candid and more insidious advocates of non-interference will resist a change, insurance companies, because not embraced in the present law, and monopolists are masquerading as friends of agriculture in the hope of judical declaration of invalidity by reason of the existing exemptions of such products from the provisions of the act. Nor is it improbable that the remarkable argument recently advanced may be made, that these public malefactors shall continue their career unhindered, because out of uncounted commercial robberies small pittances are sometimes given in self serving hypocrisy to religion, to education or to charity. But an abiding faith in the patriotism and courage of the representatives of the people gives assurance that their duty will be promptly and resolutely discharged. In framing a new statute care should be observed to bring within its inhibitions and penalties every character of trade or business combination injurious to the public and monopolistic in tendency, including combinations of insurance companies or agents to fix and maintain rates of insurance or commissions. An insurance combination was formed in this state in 1891 and its history furnishes ample demand for the legislation recommended. The business of fire insurance with us is done, with the exception of one domestic company, entirely by corporations organized in other states of the Union and in foreign countries. In 1891 57 of these companies, writing 80 per cent of all insurance, entered into a combination to regulate the rates of commission to be paid their agents and to fix the rates of fire insurance throughout the State. This regulation was to be effected by an association known as the Texas Insurance Club, and an adroit arrangement with a common rating agent. Appropriate judicial proceedings were begun and prosecuted by the State to suppress the trust, but it was finally determined that combinations of insurance companies for the purposes named were not prohibited either by our statute or the common law. Since this decision in December, 1893, the combination has been openly conducted, and in the absence of further legislation the public will be without protection against it. Although rates were increased by the methods stated the combination was not satisfied and consequently, soon after the decision, a new scheme of increase was devised, and the rates raised from 25 to 50 per cent. This consists of what is termed the "equitable co-insurance and contribution clause" to be incorporated in all policies issued by members of the trust, a copy of which is as follows:

"EQUITABLE CO-INSURANCE AND CONTRIBUTION CLAUSE."

"It is understood and agreed that this company shall be liable only for such proportion of the loss under any division of this policy as the amount hereby insured on said division bears to the total value of the property described therein. Provided, that in the event the total insurance on any division of property, as per division of this policy, shall be equal

to or exceed the total cash value thereof, that this company shall be liable only for its pro rata share of the loss under such division, it being undestood and agreed that the term 'total insurance' embraces the amount for which the assured becomes co-insurer as per agreement as follows, to-wit:

It is understood and agreed that the assured shall be a co-insurer for at least the following amounts, to-wit: If at the time of the fire the total value of all property covered by this policy shall amount to $25,000, or less, the assured shall be a co-insurer for at least 25 per cent of the value of each division of property as per division of this policy; if the total value of all property shall be more than $25,000 and does not exceed $50,000 the assured shall be a co-insurer for at least 20 per cent of the value of each division of property; if the total value of all property shall be more than $50,000 and does not exceed $100,000, the assured shall be a co-insurer for at least 15 per cent of the value of each division of property; if the total value of all property shall exceed $100,000, the assured shall be a co-insurer for at least 10 per cent of the value of each division of property."

The operation of this device may be illustrated by a simple example. Prior to the combination and adoption of this clause if a person were insured for one thousand dollars at a premium of $7.50 and there were a total loss he would be paid one thousand dollars. Under the arrangement designed by the trust the same person insuring the same property for the same amount and paying the same premium would receive in case of total loss only seven hundred and fifty dollars. Though paying the same premium or more the assured must in amounts of $25,000 or less insure himself to the extent of 25 per cent, and thus the public is coerced into acceptance of such contract by this institution which raises the rate by indirection in the diminished values of the policies It is idle to say that insurance contracts are voluntary and that the assured need not enter into them unless desired. Insurance is an absolute necessity, particularly in commercial matters, and the necessity renders this combination the more powerful and despotic. Its evil effects may be further measured when it is remembered that it panies, prevents or discourages the organization of domestic companies, and is enabled after each disastrous fire in our cities, by the convenient suggestion of insufficient water supply, to indemnify losses by increased rates without fear of competition. Nor is the combination or the increase of rates justified by the fact that dishonest losses are often paid, for that implies imposition upon upright insurers. The true remedy for this is the employment of competent and reliable agents whose zeal for premiums will not cloud their judgment of risks and thorough investigation for the detection and speedy punishment of incendiaries. Any deficiencies in existing laws on the subject of fire inquests should be readily supplied. The suggestion of additional legislation as to insurance and like trusts is thus aptly made by the present Chief Justice:

"We should not be understood as holding that the combination disclosed in this case is not detrimental to the public, and that sound policy does not demand the suppression of that and like organizations of a similar magnitude. There are certain contracts, and perhaps combinations, which the law regards as being against public policy. The courts cannot extend the laws merely by reason of their opinion of what the law ought to be. What other combinations or contracts should be held illegal on the ground of public policy, is a political question—that is to say, one which is in the province of the legislative department of the government to determine. The legislature has power to weigh the public interest even 'in public scales,' and if such combinations be found detrimental, they can denounce the evil and provide the remedy."

The remedies of injunction, indictment, forfeiture of charters and withdrawals of permits of corporations by quo warranto, and imposition of penalties, should be enlarged and sustained. It is not believed that section 13 declaring "that the provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer or raiser," vitiates the act of 1889, but it may be omitted in the new law without injustice and embarrassments thus avoided. The purpose of its incorporation in the present law is not clear. Often enemies of legislation attempt to destroy it by the introduction of void provisions. If in truth it be class legislation prohibited by the constitution, patriotic farmers and stockmen do not want it. They have ever been the consistent advocates of equal and exact justice to all and especial privileges to none. What they demand and what sound policy dictates is exemption from the machinations of trusts, not exclusive authority to organize them. On the contrary if it be a valid enactment intended for their benefit, to be determined only after years of controversy, during which the oppression of gigantic combinations must go unchecked, it will fail in its purpose. They are without adequate means to create those overmastering associations of capital which alone may succeed and it is a commanding tribute to their integrity that the history of these conspiracies affords no example of their disposition to do so.

RAILROADS.

Several matters affecting railroads in this State deserve your careful consideration at this session.

Except as it may be necessary to improve and perfect it the present Railroad

Commission law must be effectually maintained and enforced. In its operation it has been observed that while suitable penalties are provided for violations of the act and rates fixed by the commission, and while the commission is expressly authorized to make regulations other than the classification of freight or establishment of rates, no method of enforcing the regulations is prescribed. These regulations are often important to the public and necessary to the successful work of the Commission, and appropriate penalties for their violation should be provided. Under the Commission Law before rates may be fixed the railroad companies to be affected must be given notice of the time and place this will be done. After such notice the companies are entitled to a hearing. When notice has been given and a hearing had it is provided by section 5 that in actions between private parties and railway companies brought under the act rates prescribed by the Commission shall be held conclusive and deemed and accepted to be reasonable, and in such respects shall not be controverted in said suits until finally found otherwise in a direct action instituted for that purpose under sections 6 and 7. These sections provide that if any railway company or party at interest be dissatisfied with the decision of any rate they may bring a direct action against the commission in a court of competent jurisdiction, at the seat of government, to declare the rate unreasonable and unjust, and that the burden of proof shall rest upon the plaintiff. The substance of these sections is that when established by the Commission the rates become effective immediately, or at such time as the Commission may prescribe, and in the suits named they are to be held conclusively reasonable until the direct litigation is ended. The law looks to a probable contest by railroad companies and shippers, and puts them on the same footing. If the companies complain that the rates are too low, they must accept them until set aside; if the shippers complain that rates are too high, they must pay them until reversed. When the rates are detirmined in a direct action to be unreasonable, as applied to shippers, the proper construction of the act and its undoubted purpose is that the judgment will prevent the companies from enforcing them, and if held unreasonable, as applied to the companies, the judgment is complete protection to them in all suits instituted by private parties for damages and penalties. This is obviously the proper interpretation of the law. In the celebrated controversy involving the validity of the statute it was urged, however, that after a railway company had instituted a direct action to declare rates unreasonable, and a final judgment obtained that they were unreasonable, it would then be permitted for the first time to controvert the justness of rates in actions brought against it by private parties for penalties, but would be required to re-try the question of the reasonableness of the rates in each of the suits. This contention is based upon a provision in section 5, towit: "And in such respects shall not be controverted therein until finally found otherwise," it being insisted that this merely authorizes the companies to controvert the reasonableness of the rates in the suits named after final determination of the direct action. As future attacks upon the law may be made the true meaning should be more plainly expressed. Willing and partisan judges may be found to give effect to this erroneous and possible construction if the section be left unchanged. The danger may be easily removed and justice to all parties accomplished by adding a sentence to section 5 so that hereafter it will read as follows:

"Section 5. In all actions between private parties and railway companies brought under this law, the rates, charges, orders, rules, regulations, and classifications prescribed by said Commission before the institution of such action shall be held conclusive, and deemed and accepted to be reasonable, fair and just, and in such respects shall not be controverted therein until finally found otherwise in a direct action brought for the purpose in the manner prescribed by sections 6 and 7 hereof. After such final judgment or decree a certified copy thereof may be introduced in evidence by either party on the trial of any action mentioned in this section and said judgment or decree shall be conclusive of all matters therein determined."

The Constitution provides (Art. X, Sec. 5) that no railroad or other corporation or the lessees, purchasers or managers of any railroad corporation, shall consolidate the stock, property or franchises of such corporation with or lease or purchase the works or franchises of, or in any way control any railroad corporation owning or having under its control a parallel or competing line, nor shall any officer of such railroad corporation act as an officer of any other railroad corporation owning or having control of a parallel or competing line; and (Art. X, Sect. 6) no railroad company organized under the laws of this State shall consolidate by private or judicial sale or otherwise with any railroad company organized under the laws of any other State or of the United States. Those provisions are substantially reproduced in statutes, and railroad corporation or other corporation, as used in the acts, is defined to be any corporation, company, person or association of persons who own or control, manage or operate any line of railroad in this State. It will be noticed that the first of these provisions has reference only to lines that are competing or parallel. The second denounces consolidation of railroad companies of this State with such companies organized in other States or under the laws of the United States. It does not reach consolidation with other than railroad corporations. The Southern Pacific company is a corporation organized under the laws of the State of Kentucky and has never taken out a permit to do business in this State. The purposes of

its creation, as stated in the charter, is the purchase of stock, bonds and securities of corporations generally with authority to contract for leasing and operating railroads elsewhere, and singularly enough it is expressly denied the right to own, lease or operate railroads in Kentucky. It is probably a railroad corporation and may be subject to the provisions of section 6 of the Constitution, but the matter should not remain in uncertainty. It dominates by ownership of stock and otherwise the railway systems of California and other states. Of railroads in this State it owns a majority of the stock of the Houston and Texas Central, the Galveston, Harrisburg and San Antonio, the Texas and New Orleans, the Austin and Northwestern, the Sabine and East Texas, the New York, Texas and Mexican, and the Aransas Pass. While each of these companies is ostensibly conducted by an independent management and without reference to the others, it is well known that they have been substantially consolidated into a railway system in this manner and are controlled by this foreign corporation. The wisdom of prohibiting consolidation of our railroads with those of other states applies equally to every character of foreign company and appropriate legislation should be enacted to prevent it and bring this company certainly within its provisions. Provision should also be made for the forfeiture of the charters of the associated companies and the imposition of adequate pecuniary penalties as a prior lien on the property, to be collected before re-charter is permitted.

Recent deplorable railway collisions and negligence point sharply to needed legislation. At Forrest during the past year the employes of one train deliberately, recklessly and in disobedience of orders attempted to reach the meeting point when already delayed and in the collission seven persons were instantly killed. Near Waxahachie at a crossing only a few weeks ago with passenger trains at full speed an engine was driven through a coach loaded with passengers with shocking results. The first of these collisions was caused solely by the wilful negligence of the employes, the other by the neglect of the employes and the construction of the roads, as they are on the same grade and one approaches the crossing through a cut and by a curve. Other instances might be mentioned, but these will suffice to show that the law of negligent homicide should be so amended as certainly to embrace this character of case and the offense be made a felony; and railroads should not be permitted to cross each other at the same grade, particularly where either approach to the crossing is dangerous, but should be constructed at crossings so that one shall pass under the other.

The assessed values of railway property for purposes of taxation are strikingly below those by which the companies would measure passenger and freight rates. Their taxable values were placed by the assessors at an average valuation per mile for 1893 of $8,009.17, including rolling stock, and this is approximately the valuation for the past few years. In the measurement of rates it is insisted by the companies under oath that the mortgaged indebtedness and the stock capitalization of railroad companiess represent the actual cost of the construction, acquirement and equipment of the railways and properties and the reasonable value thereof and the amount upon which they are entitled to earn full and fair returns in interest and dividends, besides operating expenses. The exact value of all railroads in this State under this method of estimate is not immediately obtainable, but with the five companies involved in the Commission litigation the excess of the company valuation for the establishment of tariffs over that for taxation is the extraordinary sum of $115,000,000. At the same ratio the other railroads in the State will increase the excess to $300,000,000, the company valuation of all roads being approximately $375,000,000 and that for taxation $75,000,000. The justice of valuing property at $300,000,000 less when paying for the protection of the government than when levying a tax upon commerce cannot be recognized or accepted. Whatever may finally be determined to be the true rule for the ascertainment of reasonable rates, whether that urged by the companies or that which regards the bonds and stock as mere factors in such inquiries, the disparity here shown is so marked and aggravated that gross injustice to the State in the matter of revenue is manifest. In Indiana this has been remedied by the creation of a State Board of Assessment of railroad property, composed of the Governor, Secretary of State, Auditor and the appointees of the Governor, under which, for the year 1891 when the Board was organized, the valuation of all railroad property was largely increased. If under Section 8, Article VIII of the Constitution, requiring railroad property, except rolling stock, to be assessed and the taxes collected in the counties in which it is situated, this method is impracticable, provision should be made, directing assessment of such property by assessors and county boards of equalization at its real value, having just reference to the stock and bonds of the companies, and reserving the right of appeal to the State and other interested parties from the assessors to the local boards and thence to the existing State Board of Equalization. The provision of the Constitution referred to should be amended and a State Board of assessment of railroad property should be created, composed of the Governor, Comptroller and Chairman of the Railroad Commission, who should perform these services without extra compensation.

The common practice indulged in by railway companies of issuing free transportation or passes should be prohibited except to bona fide officers and employes of the company issuing them. Many reasons induce this recommendation, but it

will be here rested upon two broad grounds stated without elaboration, the inherent political evil involved and the palpable injustice done the paying public. The political strength of the pass is proverbial and it is ordinarily exerted in the two directions of official life and political controversy. Its use in attempts to control or influence or soften official action is known of all men and when successful the effect upon public interests is obvious and corrupting. Recognizing this the people of the State of New York recently adopted an amendment to their Constitution, prohibiting the issuance of passes to any public officer of that State. In the field of politics, often dominating and directing primaries and conventions, its influence is still more demoralizing. It is unquestionably one of the most insiduous and effective auxiliaries employed by railway companies in efforts to secure favorable political results. If these reflections need support, it is found in the necessity and gross injustice of requiring the general public to pay rates sufficiently high to permit the free carriage of favorites for political and company purposes. It is manifest error to suppose that passes are gifts in which the public have no interest and may not be injuriously affected. By constitutional declaration and in the nature of things railroads are highways in which the public have rights. The function of the State to construct them and levy tolls, inherent in the people, has been delegated to corporations to be exercised in part at least for public benefit. Lands estimated to be worth an hundred million dollars and valuable exemptions from taxation, the common property of all, were donated and bestowed to aid in their construction; and the right-of-way over all public lands was granted. These considerations and the fundamental principle of equality of right in all public utilities should compel the management of these great thoroughfares without discrimination or favoritism. The proportion of free passengers to the whole number carried is variously estimated from ten to thirty per cent With a prohibition against the issuance of passes, compelling all to pay, and the increase of passenger earnings from the reduction, the tax on gross passenger earnings can be increased from one to five per cent. without injustice. In a recent valuable and exhaustive work on the railway question it is said, quoting from the experience of a railway official:

"From the experience of the writer, as an auditor of railway accounts, and as an executive officer issuing passes, he s able to say that fully ten per cent. travel free, the result being that the great mass of railway users are to be mulcted some thirty milllions of dollars for the benefit of the favored minority; hence it is evident that if all were required to pay for railway services as they are for mail services, the rates might be reduced ten per cent. or more, and the corporate revenues be no less and the operating expenses no more. In no other country—unless it be under the same system in Canada—are nine-tenths of the people taxed to pay the traveling expenses of the other tenth. By what right do the corporations tax the public that members of Congress, legislators, judges and other court officials and their families may ride free?"

CRIMINAL LAWS.

Frequent miscarriages of justice in felony cases in the trial courts and reversals by the Court of Criminal Appeals upon purely technical grounds call for prompt reformation of our criminal laws in certain particulars. That the guilty often escape through defects in criminal procedure needs neither proof nor elaborate comment. It is notorious and has justly provoked public condemnation. Prominent among the causes which has led to these results are the corrupt placing of one or two men on the jury who prevent verdicts, and the inequality of peremptory challenges which conduces to this practice by defendants challenging down the panel after the State has exhausted until the sinker is reached, and which enables them to eliminate for the panel the most intelligent and law-abiding jurors. Notwithstanding our severe laws on the subjects of bribery and perjury, as long as the verdicts of juries are required to be unanimous this evil will perhaps prevail, but it may be greatly lessened by equalizing peremptory challenges. In misdemeanor cases the challenges of the State and defendants are equal; in felonies less than capital the State is entitled to five and defendants to ten; and in capital cases the State has ten and defendants twenty. This disparity is based upon the supposition that individuals charged with crime are at a disadvantage in a contest with the State and should be granted extraordinary privileges. But no such disadvantage exists, especially in view of recent legislation. Defendants are surrounded with safeguards which the State must overcome. In every case of a criminal character they are armed with the presumption of innocence; their shield is the reasonable doubt against which the sword of justice has beaten in vain for centuries. And by recent enactment they may testify in their own behalf which in capital cases particularly gives them such marked advantage as to destroy the philosophy of the present inequality in challenge. This is particularly true in all cases which are hotly contested, where as is often the case, the State is over-matched in counsel. Since the adoption of of the present Constitution, the Court of Appeals and its successor have heard and determined 4,567 cases of felony, and of this number 2,780 have been affirmed and 1,787 reversed. The proportion of reversals to affirmances is 37 per cent. It is not practicable at this time to ascertain what

percentage of reversals were upon technical grounds, but a cursory examination indicates that it is large. Reversals upon these grounds, creating distrust of the courts and heavy expense to the State, are due principally to the fact that the Appellate Court under existing law is not permitted to indulge proper presumptions as to proceedings in the trial court, but must reverse if the record be silent, and is expressly required to reverse if any of the requisities of the Code have been disregarded, however technical and formal. To remedy the first of these defects the Code of Procedure should be amended so as to auhtorize the Court to presume, notwithstanding the silence of the record, that all questions of venue were proven on the trial, that the accused plead to the indictment and that the jury were sworn unless such questions were in issue in the trial court and were there acted upon before appeal. These and similar questions should not be permitted to be urged in the Appellate Courts for the first time. The second of these causes should be removed by amending article 685 of the Code of Criminal Procedure so as not to require a reversal unless a failure to observe the requiements mentiond in that article and probably injured the defendant and deprived him of a fair and impartial trial. The present law requires the judges of the Court ofCriminal Appeals to prepare opinions in all felony cases. Many cases are appealed in which there are neither statements of facts nor bills of exceptions and where the principles of law involved are thoroughly established. It will relieve the judges of much unprofitable labor and greatly expedite business if by an amendment the preparation of opinions be committed to the discretion of the Court.

REVENUE AND TAXATION.

The indebtedness due the State on the available school fund and the general revenue has grown to such proportions as to necessitate vigorous efforts to collect it. It is also absolutely essential to reform existing methods of collection, and, wherever just and advisable, to resort to new sources of taxation and revenues. The duty which confronts the legislature upon these measures is urgent and imperative.

Among the elements of the permanent school fund are $15,000,000 in land notes, and the interest on them together with leases of school lands are principal sources of the available fund out of which the schools are supported. During the past few years, partly from inefficient collection agencies, and partly from financial depression, arrears of interest have so greatly increased that the State Treasurer on August 21, 1894, estimated the total deficiency in interest and leases on August 31st, 1895, less forfeitures on land sales for 1887 at $761,889.25, and the Comptroller at $956,889.25. The Treasurer now estimates this deficiency at $1,000,000 on January 1st, 1895. In case of default in payment of interest or leases the present law provides that the Commissioner of the General Land Office shall send the accounts to the proper district or county attorneys where the land is situated, who shall institute appropriate legal proceedings for their collection and for which they receive the statutory compensation of ten per cent. Experience has shown this system to be wholly unsatisfactory and ineffectual, due much to the fact that the duties of these officials in criminal matters preclude proper attention to them. Though large accounts were sent out, only $105,258.14 was collected by these officials in 1892 and 1893, and $34,182.41 in 1894. When forced collections become necessary the accounts should be placed with the Attorney General with authority to institute proceedings in the District Court of Travis county. This course would establish uniformity in procedure, avoid failure and delays incident to local influences, greatly reduce the cost of collection, and it is believed result in increased returns to the Treasury. It would also determine more speedily and accurately than the present method what portion of the debt is collectable, and whether other means of supporting the public schools must ultimately be relied upon, as well as enable the State to reduce to possession lands not paid for or remove the cloud from the titles and resell them. In addition to [illegible] interest there is due the school fund (excluding the insolvent list), $222,196.17 for delinquent school taxes from 1873 to 1886, and the sum of $174,070.88 from 1886 to 1893, inclusive, aggregating $396.228.82, less uncertain and inconsiderable amounts paid in redemption of land sold for taxes for these years. These taxes were assessed on land valuations, and as a lien is reserved the delinquences are largely attributable to lack of confidence in tax titles.

The delinquencies in the general fund are especially significant. From 1873 to 1886 (excluding the insolvent list), taxes were unpaid amounting to $301,-845.46, and from 1886 to 1893, inclusive, the sum of $230,531.55,aggregating $532,-127 03, less receipts in redemption of property $201,890.46, leaving the net delinquency $330,236.57. A small portion of the redemption receipts represents payments for school purposes, but the total of all taxes is the same, and the several items approximately accurate. The delinquent poll list from 1886 to 1893, reported insolvent, is $1,326,302.79. From this statement it will be seen that the total delinquent tax lists, including ad valorem, school and poll, reaches the extraordinary sum of $2,052,765.88. All opinions concur that the failure to pay taxes results from the advantage that unwilling tax payers take of the exacting requirements of the courts as to description of land in assessments and in advertisement for tax sales. It is probably not exaggeration to say that no tax title has ever been approved by our Supreme Court and in consequence

the State is now practically the sole bidder at such sales. Sales to the State are injurious rather than helpful. No revenues is received, title is transferred to the State and thereafter the land is not subject to taxation. In the meantime the original owner is in possession of the land upon which he pays no taxes nor rent. With the great quantity of land bought in by the State each year, diversified in character and dispersed throughout its territory, it is impracticable to reap the fruits of this ownership, as inviduals may do, and no instance has been found where this has been attempted either by recovery of rent, possession or title. The remedy is plain; public faith in tax titles should be restored and strengthened, so that delinquents will be deterred from neglecting payment and purchasers be encouraged and protected. The Constitution declares (Art. VIII, sect. 13) that provision shall be made by the Legislature for the speedy sale of land and other property for taxes and that the deed of conveyance to the purchaser for land and property thus sold shall be held to vest a good and perfect title in the purchaser subject to the impeachment only for fraud; provided the owner may redeem within two years by paying double the purchase price. A law complying thoroughly with this direction, and especially simplifying with great care the description of land in assessment and advertisements for sale that it may be substatially executed by assessors and collecters, should not fail f the desired effect. To reach delinquents on the poll list is more difficult. In fact, for obvious reasons, this tax will never be fully collected and legislation can only afford a slight relief. What may be accomplished in this direction will probably follow an enactment denying payment to the delinquent by the State or any county for jury or other services upon any other account, except upon payment of all taxes due by him to the State and county and providing that such sums as may be due shall be placed to his credit as taxes and any balances paid him.

Among new sources of revenue, general and local fire, marine, accident and life insurance agents should be required to pay occupation taxes They are perhaps the only professional or business men whose occupation is untaxed and no just reason for the discrimination is observed. The tax of one-fourth per cent on the gross receipts of life insurance companies and one-half of one per cent on the gross receipts of fire insurance companies, levied by the act approved May 11, 1893, should be increased to two and one per cent, respectively. Year by year they are absorbing more of the time of the courts, receiving additional protection of government and making increased profits, especially life insurance companies. The annual drain of money from the State by these companies is noteworthy. The last report of the Commissioner of Insurance upon the subject shows that for the year 1893 the premiums received for fire insurance were $3,925,241.37 and the losses paid $2,627,493.88, and that for the same year the premiums received by life insurance companies were $3,524,837.88 and losses paid $1,019,510.61. The excess of fire premiums over losses was $1,297,747.49, and that of life premiums over losses $2,505,827.24, an aggregate for the year of $3,803,075.03. Fire insurance companies, moreover, are evading the act of 1893 by writing insurance out of the State on property situated here, particularly on railroad property and cotton, the premiums upon which are not reported or taxed. The principles of the act of May 11th, 1893, should be applied by appropriate legislation to express and telegraph companies. Express companies do not own lines of transportation to be taxed and the tax upon what property they own and that paid for occupation is not commensurate with the volume of business done and protection of the government received. In a lesser degree these considerations apply to telegraph companies and the tax now paid on messages, the value of their lines of transmission being small in comparison with the business transacted.

The highest salary paid any State officer is $4000 and the average is probably $2000. Many district and county officers, some of whose fees affect the State Treasury and others do not, receive greater compensation than the highest paid by the State and in instances will reach and may exceed ten thousand dollars per annum. This is unjust to the people, is a fruitful source of political corruption and should be promptly corrected. The fees of District Attorneys should be limited to $2,500 per annum and those of all county and precinct officers should not exceed $2,000 net, the excess to be paid into the State Treasury to account of General Revenue. In proper cases assistants or deputies should be allowed but the number and compensation, to be regulated by population, should be prescribed by law. It is believed a law framed on these lines will greatly limit the drain on the Treasury and add $50,000 or $100,000 annually to the revenue. Whatever the State may fail to receive in fees by dereliction of duty will be saved to the people by removing the prevailing incentive after the limit is reached. Akin to these subjects are the thoughtful suggestions of the State Revenue Agent in his annual report, as to the proportion of the cost of assessments paid by the State. To require the State to bear the entire expense of assessing the poll tax and two-thirds for ad valorem taxes is disproportionate to the interests involved and a more equitable division would suggest one-half for poll tax and one-third for all others. This would reduce expenditures of the State at least $200,000 per annum. As authorized by the Act of Congress approved August 13th, 1894, every character of money, including National bank notes should be taxed.

FINANCIAL CONDITION OF THE PUBLIC SCHOOLS.

Intimately connected with the subjects just considered are the financial status of the public free schools and the general fiscal affairs of the State. Aside from the inestimable worth of education to the cause of civilization and free government, upon which we should act, we are strongly obligated to render adequate support to the free schools. The whole people have declared in the Constitution that the schools shall be maintained for at least six months of the year, and the political organization responsible for legislation is expressly pledged that this constitutional requirement shall be faithfully carried out. For the school year 1891-92 the apportionment of the school fund per capita was $4.50 and the term 5.25 months, and for the year 1892-93 the apportionment per capita was $5.00 and the term 5.74 months. The increase in the school term is due to the increase of the levy of local taxes for school purposes and the transfer of one per cent. from the permanent to the available fund. The apportionment for 1893-94 was $4.50 and for the year 1894-95 on a scholastic population of 693,752 it is $3.50 per capita for $2,428,132, which will support the schools for 4.08 months. The same apportionment has been made by the Board of Education for the year ending August 31st, 1895, although against the judgment of the Comptroller, who believed the amount could not safely exceed $2 50 per capita, which would only maintain the schools 2.91 months. For the year 1893-94 there was a deficit of $606,018.45 in the apportionment, which has not been paid but which with a subsequent deficit, amounted on August 31st, 1894, to $659,-468.50. This deficiency was caused by the increase of the scholastic population from 630,303 in 1893-94 to 693,752 in 1894-95 and arrears of interest on land notes already pointed out. By the estimate which the Superintendent of Public Instruction believes most reliable the total receipts for the year ending August 31st, 1895, is put at $2,475,580. The apportionment for that year is $2,428,132, which added to the deficiency named will make a total of $3,087,600.50, which the State will have expended or will owe at the end of the scholastic year. The Department of Education and the normal schools, as was the case until 1893, should be maintained out of the available school fund, and not the general revenue, and the annual cost of maintaining them should not exceed $75,000. Adding this to the sum last named and deducting therefrom the annual apportionment of $2,428,132 there will remain unpaid at the end of the current year at the present rate of taxation the sum of $687,020.50. Attention has already been called to the fact that the State Treasurer on August 21st, 1894, estimated the total deficiency in interest and leases on August 31st, 1895, less forfeitures on land sales for 1887, at $761,889.25 and the Comptroller at $956,-889.25, and that now the Treasurer estimates the deficiency at $1,000,000 on January 1st, 1895. If either of these amounts could be collected the deficit could be discharged and a large sum carried to apportionment, but it may be accepted, particularly in the absence of further remedies for collection, that no considerable portion of it will be realized the current year. If it is not collected, or if it is and the schools are to be maintained for six months, this deficiency cannot be paid and this purpose measurably accomplished except by an increase of taxation for school purposes. The present rate of taxation for these purposes is 12 1-2 cents and the constitutional limit is 20 cents on the $100.00. An increase of taxes to 20 cents will add to the school revenues approximately $633,750 annually Taking as a basis the $2,428,132 apportioned for the present year, the scholastic population of 693,752 and $845,-000,000 estimated total values, if all the interest past due and to become due the current year be paid and the rate of taxation be increased to the limit of 20 cents the constitutional term will not be reached. It will do no more than pay the deficiency and allow an apportionment the current year of $4.50 per capita, which will maintain the schools 5.25 months Should there be a failure to collect the interest now in arrears a levy of 20 cents will only pay off the deficiency and maintain the present per capita of $3.50, with a probable reduction of the apportionment hereafter due to an increased deficiency in interest. Under present conditions no provision whatever has been made to meet the past due indebtedness of the State for school purposes. The Constitution is [illegible]
It not only enjoins a school term of at least six months, but provides that in addition to one-fourth the revenue derived from occupation taxes and a poll tax of one dollar "there shall be levied and collected an annual ad valorem State tax of such an amount not to exceed 20 cents on the $100 valuation, as with the available school fund arising from all other sources" will attain this result. The course suggested of urging the collection of the debts due the school fund, wherever expedient and wise, and increasing the rate of taxation to 20 cents, will enable us to discharge the just obligations of government, perform our clear duty under the Constitution and render notable and becoming service to the cause of education.

THE GENERAL FUND.

The condition of the Treasury as to the general revenue is also exceedingly embarrassing. In May last it appeared that there was an excess of expenses over the receipts for the year ending August 31st, 1893, amounting to $302,837.41. In September it was estimated by the Comptroller that the receipts from all

sources for the year ending February 28th, 1895, would be $2,125,000, which, added to $47,693.05 cash in the treasury aggregated $2,172,693.05. The disbursements for that year were estimated at $2,300,000, making a deficit of $127,306.95, which, added to the estimated deficiency in appropriations of $200,000 created a deficit of $327,306.95. The situation now, as reported by the Comptroller, is far more serious. Instead of a deficiency of $327,306.95 it is $768,329.48. In his report for 1894 the Comptroller shows that on August 31st, 1894, there was a cash balance in the Treasury of $38,443.85, and outstanding registered warrants amounting to $430,993.57. This cash balance was absorbed by called warrants, not included in the registered warrants mentioned, and consequently at the time named the Treasury was empty, and there was an outstanding registered indebtedness of $430,443.85. On the 14th of this month the Treasurer reported that this outstanding registered indebtedness had increased to $573,015.34. In addition to this the Comptroller reports that for the past year there were registered and estimated deficiencies amounting to $195,314.14, which made the total indebtedness on January 14th, $768,329.48, as above stated, with no balance in the Treasury to general revenue It is also shown by this officer that the appropriations asked for by the heads of departments, state institutions, judiciary, etc., for the two years beginning March 1st, 1895, aggregate $5,251,085.40, while the net receipts under present tax rate and laws are estimated at $3,863,359.50. If the Legislature should make the appropriations asked there would be a deficit of $1,387,725.90 for the two years, besides that now existing and would require the tax rate to be raised to 30 cents for the year 1895 and 25 cents for the year 1896. Under present laws approximately all taxes are paid into the Treasury during the months of December, January, February and March. It is consequently not improbable that the current expenses and a portion of the present deficiency represented by registered warrants may be paid by April 1st, but as these are the only months in which receipts exceed expenditures, it may be assumed that before the end of the year the deficit will be at least as large as now. The net decrease of $20,000,000 for 1894 in the total taxable values will, if maintained the present year, reduce the revenue $30,000 per annum at the present tax rate. This condition of affairs affects the credit of the State, embarrasses State institutions and creates widespread hardship and injustice. As illustrating this the State is the owner by purchase of University bonds amounting to $576,540 the interest upon which is used for the support of that great institution, the maintenance of which at its present high standard should touch keeuly the pride of every Texan. There has been default in the payment of the current interest of these bonds, which is embraced in the registered warrants named, and unless speedily remedied the University will be seriously crippled. And every character of State warrant, whether for salaries, supplies or on other accounts, is now subject to discount. The total deficiency, including the public schools and the general fund is $1,455,349.89. The present tax rate for general purposes is 15 cents on the one hundred dollars and the condition of the school fund requires the imposition of a tax of 20 cents for school purposes. There are also county and other municipal taxes which in many localities are burdensome if not oppressive. Expressing my personal opinion, it was said in a published speech at Goliad, September 29, and reiterated elsewhere, when the deficiency was officially reported to be only $327,306.95, "these taxes, together with the fact that all values are depressed and that the great body of the people feel the pressure of debt and enforced economy, render a further burden indefensible unless avoidable" and that an increase in the rate of taxation should not be made "unless imperatively necessary to conduct an efficient government upon the most economical basis which can be devised." Besides a sense of governmental morality we are impelled to this course by the constitutional injunction that "the Legislature shall not have the right to levy taxes or impose burdens upon the people except to raise the revenues sufficient for the economical administration of the government." This necessitates inquiry into our public expenditures and the directions in which reductions may be safely made. It should certainly be accepted as reasonable under existing conditions that the government may be conducted on the expenditures of the past year and in the consideration of advisable reductions these should be taken as the basis. For the year ending February 28, 1895, the total appropriations amounted to $2,391,069.29, to which should be added $195,314.14 in registered and estimated deficiencies for the year, aggregating expenditures of $2,592,383.43. Some of the appropriations were not expended but they are not considerable and the total given is approximately correct. An exhaustive and careful examination of the subject leads to the conviction that the following reduction of expenditures annually should be made:

Reduction of expenses in assessing taxes, by re-apportioning amounts paid by the State and County, respectively	$200,000 00
Regulating and reducing fees in Felony Cases	100,000 00
By limiting the fees of District Attorneys to $2,500.00, and those of sheriffs, District Clerks, Assessors and Collectors to $2,000.00 each	$100,000 00
By transferring support of Department of Education and Normal Schools to the available school fund	75,000 00
By reduction of fees of attached witnesses	75.000 00

By reduction of expenses of State Lunatic Asylum at Austin, estimated by Dr. Simpson	33,248 25
Reapportioning and reducing the judicial districts to forty	32,500 00
By fees of judges, etc., in examining trials	20,000 00
By reduction of force in General Land Office	20,000 00
By reduction of expenses of Adjutant General's office (for State Encampment 1895)	20,000 00
By reduction of force in Comptroller's office	15,000 00
By reduction of expenses of North Texas Lunatic Asylum	15,000 00
By reduction of expenses of Quarantine Department	12,000 00
By reduction of expenses of South Western Insane Asylum at San Antonio (estimated by Dr. Worsham)	10,000 00
By reduction of expenses of A. and M. College (Estimated by President Ross)	9,000 00
By reduction of expenses of public printing	8,000 00
By reduction of expenses of Blind Asylum	7,500 00
By reduction of expenses of Governor's office (amount for enforcing the laws)	5,000 00
By reduction of force in Treasury Department	5,000 00
By reduction of expenses of Deaf and Dumb Asylum	2,500 00
By reduction of expenses in Department of Agriculture, etc	2,000 00
By reduction of expenses of Attorney General's office (third office assistant)	2,000 00
By reduction of expenses of Colored Deaf and Dumb Asylum	1,000 00
By reduction of expenses of Orphan's Home	1,000 00
By reduction of force in State Department	1,000 00
Total	$771,748 25
To this should be added as the estimated revenue from new sources:	
Excess of fees of county officials	50,000 00
Taxes on insurance, express and telegraph companies, etc	100,000 00
Increase taxes on gross passenger earnings of railway companies	200,000 00
Grand total	$1,121,748 25

The question of limiting the fees of district and county officials and reducing the expenses of assessing taxes have been considered. The heaviest and apparently the most unconscionable charges against the State are those paid as fees in felony cases, amounting to $721,377.45 for the past year and effective legislation to correct the gross abuses would merit the gratitude of the people. Much of this unjust expense arises from the failure of witnesses to obey the process of subponea in the first instance, which necessitates the issue either of an alias or an attachment, and may in part be remedied by an amendment to the Code of Procedure, making the fine penal which the court is authorized to impose, with power to imprison the defaulting witness as for contempt. Experience demonstrates that witnesses pay but little attention to subponea under existing laws. In nine cases out of ten after the service of subpoena it is necesary to bring them into court under process of attachment and witnesses under subpoena at one term of the court have to be subpoenaed and generally attached at subsequent terms. As the law now is, with no regard on the part of the witnesses for subpoena process, in almost every case the sheriff's fee bill for summoning witnesses in the county of trial is duplicated, and in the aggregate amounts to a large sum. As the law now exists the sheriff is entitled to all of his expense money, which includes car fare, hire of horses, buggies, etc., meals and lodging, which are fixed at a maximum of fifty and thirty-five cents, and in addition he is allowed $2.50 per day for each day engaged in conveying the witness to the county of trial, and in returning. His account is made out now on blanks furnished from the Comptroller's Office to the respective district clerks, is sworn to by the officer, handed to the judge for approval, generally during the trial of some case, and when approved, is recorded by the District Clerk in a book kept for that purpose and the original given to the sheriff who presents it to the Comptroller as a voucher for his pay. The law also provides that before the officer shall be entitled to compensation, he shall show by the affidiavit of the witness and himself that the witness was offered an opportunity to give bond for his appearance at the particular court, and that he was unable or refused to do so. If this is not shown the officer is not entitled to compensation; and if the witness having been afforded an opportunity to give bond, and being able to do so, refuses to do so, the witness is not entitled to compensation.

The following amendments are suggested:

(1) That the officer attaching a witness be required to take him before the nearest magistrate and take his affidavit of his inability or his refusal to give bond before starting with the witness for the foreign county, or in his affidavit show some good reason for failing to take the witness before a magistrate. This, if complied with, will put the witness upon notice of his right to give bond, which in actual practice, is often not the case, as the affidavit is made generally before an officer at the trial court.

(2) That the original account and the

affidavit of the officer affixed thereto shall be filed in the office of the District Clerk and a certified copy made by the clerk, on which the officer shall be entitled to his voucher from the Comptroller. The District Clerks should be made responsible on their bonds for the genuineness of the signatures of judges to these accounts. Thousands of dollars have been lost to the State by payment of forged accounts. This course would preserve the originals in the courts for future inspection of the judges whose names are often forged and when necessary for reference to the grand jury.

(3) The officer conveying an attached witness to the court of another county should receive in addition to his actual expenses only one dollar per day instead of two dollars and a half as at present. The service rendered in conveying an attached witness is not a hazardous or dangerous undertaking and is generally performed by some deputy employed by the month whose pay does not exceed one dollar per day. As long as there is money to be made out of this character of service it is apprehended that the officer executing foreign attachments will not be diligent to inform attached witnesses of their right to give bond and go to court without the attendance of an officer. If the law on this subject is so amended as to afford ample opportunity on the part of the attached witness to give bond and he is informed that he will receive his pay (actual expenses) while attending on bond, and all inducement is taken away from the officer to hurry the witness off to court without affording an opportunity to give bond, it is believed that the number of attached witnesses who are now conveyed to court by attending deputies will be greatly reduced. For every witness conveyed by an officer, instead of attending on bond, there is a double expense account, and in addition, the per diem pay to the officer, which about triplicates the cost. These accounts are generally presented to the Judge in the midst of a trial, or while he is otherwise engaged, and as the officer or witness is in a hurry to get away, the accounts are necessarily passed on in a hurried and often perfunctory manner, and consequently the ultimate approval of the accounts, to a greater extent than under existing statutes, should be expressly lodged in the Comptroller. The sums paid in felony cases may be still further reduced by re-enacting the act entitled "An act to provide for the payment of expenses of attached witnesses in felony cases" (Genl. Laws 18th Leg. p. 117), with changes to conform it to the principles of the federal statute on the subject of payment of fees in similar cases. If the decision in Homan vs. State, 23 Court of Appeals, 212, declaring that act invalid, be adhered to, the new statute, if properly framed in separate sections, would still be effective as to witnesses for the State and the limited number of witnesses for defendants for which the State would pay. By limiting the number of witnesses to be attached on the lines indicated, the reduction of fees to be paid witnesses would also follow. The reduction of the force in the Comptroller's Department and in the Land Office is recommended after careful examination, with the aid of persons having extensive experience as employes in each of them, and also in part upon the estimate of the retiring Commissioner of the Land Office. The recommendation as to other departments and nstitutions and items not specially noticed is made upon estimates furnished the Comptroller and personal observation and inquiry of what seems reasonable and just. Should the collection of the interest on the school land notes be confided to the Attorney General, the Third Office Assistant should be retained. Under existing law and practice the State Health Officer and the Quarantine Officer at Galveston each receive ten dollars per day for the entire year ($3,650) and the former is provided with a secretary at a salary of $900 per annum. While not engaged in the service of the State, these physicians attend to their regular professional work, and it is believed that the salary of the State Health Officer should be limited to $2,500 and that of the Quarantine Officer at Galveston to $2,000. On the coast the quarantine officers are paid ten dollars per day and on the State line five dollars. These officials at Eagle Pass, Laredo and El Paso receive per diem the entire year and the coast officers except those mentioned and one other, receive it for six months. It is recommended that the compensation of the oast officers be limited to $1,200 and those on the State line to $1,000 per annum. There are 53 judicial districts in the State and we have a population not exceeding 3,000,000. The Sixth District, composed of the counties of Lamar, Fannin and Red River, with a population of 100,000, is the largest, and no complaint has ever been urged that the judges who have successively presided there were unable to dispatch the business satisfactorily. Measured by population, the districts may therefore be reduced to thirty. By reason of the larger territory embraced in many of the districts, this basis of apportionment may be admitted unsound, but no reason is perceived, adding ten for this inequality, why the districts may not be reduced to forty. The length of terms of court support this view. In one district court is only held 28 weeks in the year, in three thirty weeks, in four thirty-two weeks, in seven thirty-four weeks, in six thirty-eight weeks, in eight forty weeks. The average length of term of actual service does not probably exceed thirty-two weeks. It has been suggested that reapportionment of judicial districts may not be made effective within two years, when the terms of certain judges expire, but it is clear that under the judiciary amend-

ment to the Constitution tenure of office is subordinate to the right expressly granted to the Legislature to increase or diminish the number of districts. Educated at a military institute, and properly impressed with the value of a well organized and disciplined militia, it is unpleasant to recommend that no appropriation for a State Encampment be made for the present year, but the demand is inexorable that no money be expended that may possibly be avoided. There are neither wars nor rumors of wars and the times are not propitious for extensive military parades.

In connection with these suggestions your attention is especially called to the extravagance usually indulged in appropriations to defray the contingent expenses of the Legislature. The appropriations by the Twenty-third Legislature amounted to $180,000 for per diem, etc., and contingent expenses, against $120,000 for the Twenty-second Legislature. What is termed contingent expenses in the appropriation bills amounted to $50,000. Daily newspapers were purchased at a cost of $12,805.59, apparently large numbers of officers, clerks and pages were employed, and the stationery account was of such proportions as to excite special comment. The Constitution (Art. VIII, Sec. 6) wisely requires specific appropriations to be made, and they should be so framed that some definite information is given by them of the purpose for which the money is to be used. Summing up the matter, with total expenditures the past year of $2,592,383.43, if they be reduced $771,748.25, as recommended, our disbursements the present year would be $1,820,635.18. The estimated total receipts for the next two years at the present tax rate are $3,863,359.50, and for one year are $1,931,679.75, or an excess of receipts over expenditures of $111,044.57. This would pay expenses, but would still leave a deficiency of $657,284.91 unprovided for. An increase in the tax rate is therefore imperative and unavoidable. If the rate be increased to twenty-five cents for 1895 and twenty cents for 1896, at the present assessment of $845,000,000 the increased revenues for 1895 would be $845,000 and for 1896, $422,500, which, with the reductions urged and the increased taxes pointed out, would discharge the deficiency, pay our expenses and put the State on a cash basis after the collections for 1896.

It is respectfully and earnestly recommended that the General Appropriation Bill be passed at the earliest practicable time so that it may be thoroughly examined and the constitutional responsibility of co-ordinate branches of the government may be deliberately assumed and discharged.

OTHER SUBJECTS.

The unexpected length of this communication precludes a consideration of other matters, such as relates to the University and its branches, the charitable and penal institutions, county roads, codification of the laws, regulation of primary elections, reformation of our election laws, and attention to the appropriate perpetuation of great historical events.

The subject of irrigation is one of vital consequence to the western portion of our State, and to the whole people. Almost the entire body of school lands is situated in western counties, and not alone the value of those unsold, but the solvency of purchase money notes belonging to the school fund is dependent upon the success of irrigation in that section. It is believed by many who have carefully investigated the matter, that that section may be successfully adapted to agriculture by supplementing the natural rainfall at the proper time by means of artificial storage of the storm waters and the flow of running streams. It is impossible to make these vast improvements by individual effort, as these enterprises require investment of large sums of money. This may be accomplished and the interests for that vast country materially aided by the passage of irrigation laws fair alike to capital and the consumer of water. Financial disasters in our State for the past few years, due principally to the general depression, are of such magnitude as to render it impossible to retrieve them, and of such universality as to affect a great part of the people. Nothing except a bankrupt law can relieve the distress thus occasioned. As emphasizing the necessity for such relief, it would probably accomplish good to adopt a resolution instructing our senators and requesting our representatives in congress to urge at the earliest practicable time the passage of a voluntary bankrupt law.

Concluding what is deemed proper to recommend, it is sincerely hoped that your stay at the Capital may be pleasant and enjoyable, that there may be exhibited in your deliberations a conservative and co-operative spirit, and that your action here may be such that you will take with you on adjournment the approval of the people and the consciousness of duty well and faithfully performed.

C. A. CULBERSON,
Governor.

After the reading of same had been concluded,

Senator Boren moved that the Governor's message be printed in the Journal.

Senator Bowser moved to amend by adding five hundred extra copies of the message.

Senator Boren accepted the amendment, and the motion was adopted.

HOUSE MESSAGE.

House of Representatives,
Austin, Texas, Jan. 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has reconsidered the vote by which the concurrent resolution inviting candidates for the United States Senate to address the members of both branches of the Legislature on Jan.

21, 1895, was passed, and I am also directed by the House to request the return of said resolution to the House.

Respectfully,
CHESTER HAILE,
Chief Clerk House of Representatives.

On motion of Senator Steele, the request of the House was granted and the resolution was returned.

On motion of Senator Colquitt, Senate adjourned until 10 a. m. tomorrow.

NINTH DAY.

Senate Chamber,
Austin, Texas, January 17, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following senators answering to their names:

Agnew.	Harrison.
Atlee.	Lawhon.
Bailey.	Lewis.
Beall.	McKinney.
Bowser.	Presler.
Colquitt.	Rogers.
Crowley.	Shelburne.
Darwin.	Simpson.
Dean.	Smith.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Whitaker.
Goss.	Woods.
Greer,	

Absent—Senator McComb.

Excused—Senators Boren and Sherrill.

Prayer by the Chaplain, Dr. Smoot.

Pending the reading of the Journal of yesterday,

On motion of Senator Woods, the same was suspended.

On motion of Senator Woods, Senator Sherrill was excused for today on account of important business.

On motion of Senator Dickson, Senator Boren was excused for today on account of sickness.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 16, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 34, being a bill to be entitled "An act for the relief of railway corporations and belt and suburban railway companies having charters granted or amended since said 1st day of January, 1887, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that section 2 of said bill be amended so as to read as follows:

"Section 2. Any railway corporation chartered since the first day of January, A. D. 1887, and which by its original charter or by amendments thereto filed since the 1st day of January, A. D. 1887, has provided for the locating, constructing, owning, maintaining and operating of any extension or branch line or lines of railway, and which has failed or is about to fail to complete the same or any part thereof within the time required by law, shall be and is hereby restored to and granted all and singular the rights, privileges and franchises acquired by such original charter or by such amendment to its articles of incorporation as if the same were filed and recorded in the office of Secretary of State on the day of the taking effect of this act, and such corporation shall be and is hereby authorized to project, complete, construct, own and operate any such extensions and branch line or lines of railway under and as provided for in its charter or in any such amendment to its articles of incorporation; provided that said extension and branch lines of railway shall be by such corporation completed and put in running order at the rate of at least ten miles within one year from the taking effect of this act, and twenty additional miles for each and every year thereafter until all of said extensions and branch line or lines so provided for are completed."

And I am instructed to recommend that said bill so amended do pass.

M'KINNEY, Chairman.

Committee Room,
Austin, Texas, January 16, 1895.

Hon. George T. Jester, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 39, being a bill to be entitled "An act to amend section 6 of an act entitled an act to require railroad companies in the State of Texas to provide separate coaches for white and negro passengers, and to prohibit passengers from riding in coaches other than those set apart for their use, and confer certain powers upon conductors, and to provide penalties for the violation thereof, passed by the Twenty-second Legislature, and approved March, 1891, and amended April 11, 1891, by the addition thereto of section 6a,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

M'KINNEY, Chairman.

BILLS AND RESOLUTIONS.

By Senator Simpson:

A bill to be entitled "An act to amend articles 488 and 489, of the Code of Criminal Procedure, and to add to said Code articles 489a, 489c, 489d, 489e, 489f, 489g, providing for the attachment of witnesses in criminal cases, and for the payment of the expenses of witnesses in felony cases."

Read first time and referred to Judiciary Committee No. 1.

By Senator Colquitt:

A bill to be entitled "An act to amend article 75, of chapter 1, of title 8, of the Revised Civil Statutes."